

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2006:

Present

Vote

Walter C. Zaremba, Chairman
Kenneth L. Bowman, Vice Chairman
Sheila S. Noll
James S. Burgett
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE VACATING THE UNIMPROVED 40-FOOT RIGHT-OF-WAY KNOWN AS WILLIAMS CIRCLE LOCATED BETWEEN LOTS 20 AND 21, HOLLY POINT, SECTION "A", AND PARCEL C, PROPERTY OF GREENFIELD HOMES CORP. AND VACATING A PORTION OF A 5-FOOT LANDSCAPE PRESERVATION EASEMENT ACROSS LOT 20, SECTION "A", HOLLY POINT SUBDIVISION

WHEREAS, pursuant to the provisions of § 15.2-2272(2), Code of Virginia, an application has been filed with the County on behalf of Greenfield Homes Corp., the owner of Parcel C adjoining the Holly Point subdivision (also identified as Tax Parcel No. 30-05-00-000C) to vacate the unimproved 40-foot right-of-way identified as Williams Circle located between Lots 20 and 21 in said subdivision, and the adjacent Parcel C; and

WHEREAS, Williams Circle was created by the recordation of the plat of Holly Point, Section "A", on September 19, 1961, by a plat recorded in Plat Book 6, Page 145 among the land records of York County; and

WHEREAS, Williams Circle has remained a platted but unimproved street, originally created in contemplation of its extension to serve the adjoining Parcel C, which the Board deems to be no longer practical or advisable; and

WHEREAS, Greenfield Homes Corp. is developing Parcel C into a 12-lot subdivision known as Clearwater Cove in accordance with the open space (cluster technique) provisions set forth in Section 24.1-402 of the Zoning Ordinance, such that Williams

Circle will not serve as an access between Holly Point subdivision and proposed Clearwater Cove; and

WHEREAS, the need for the subject stub street no longer exists, and County staff has imposed upon the developer as a condition of approval of this subdivision that he initiate an application to vacate this existing Williams Circle 40-foot right-of-way as a prerequisite to recordation of the final plat for Clearwater Cove; and

WHEREAS, the Board, after conducting the required public hearing, and hearing no objection, finds it in the public interest to vacate Williams Circle as shown on a certain boundary line adjustment plat entitled "Boundary Adjustment Plat & Vacation of a 40' Right-of-Way", dated October 5, 2005, prepared by C.E. Newbaker Surveying & Planning, Inc.; and

WHEREAS, this Board also finds it in the public interest to vacate that portion of a 5-foot landscape preservation easement lying across Lot 20, Section "A", Holly Point subdivision, having been created by Instrument Number 030024369 recorded in the York County land records, as such easement abuts vacated Williams Circle;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this ____ day of _____, 2006, that the unimproved right-of-way between Lots 20 and 21, Holly Point, Section "A", identified as Williams Circle, be and it is hereby vacated, pursuant to the provisions of Code of Virginia section 15.2-2272(2).

BE IT FURTHER ORDAINED that the portion of that 5-foot landscape preservation easement created by recorded Instrument Number 030024369 abutting vacated Williams Circle be, and it is hereby, vacated.

BE IT STILL FURTHER ORDAINED, in accordance with the provisions of § 15.2-2272(2), if no appeal is filed within thirty days after adoption of this Ordinance, and provided further that the conditions set out in the following paragraph shall be fulfilled, that the clerk of this Board shall transmit an attested copy of this ordinance to the Clerk of the Circuit Court so that it may be recorded among the land records of the County.

BE IT STILL FURTHER ORDAINED that this ordinance shall not be in effect unless and until a plat, reviewed and approved by the County, is recorded with this ordinance, which plat shall (1) divide the vacated unopened right-of-way at its center-line, pursuant to the provisions of § 15.2-2274, Code of Virginia, combining each half with the adjacent Lots 20 and 21, and Parcel C and (2) vacate the portion of the existing 5-foot York County Landscape Preservation Easement (Instr. No. 030024369) located along the current eastern property line of Lot 20.